IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

WRIT PETITION NO.4612 OF 1993

Kumari Shubhangi Ashok Kondke. ...Petitioner.
Vs.
The Secretary, Ministry of Tribal Development, Bombay & Ors. ...Respondents.

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Mr. Madane for Mr. R. K. Mendadkar for the Petitioner.
Mr. V. P. Malvankar, AGP for Respondent Nos.1 to 5.

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CORAM : A. P. SHAH AND
DR.D.Y.CHANDRACHUD, JJ.

July 1, 2005.

P.C.:

This petition is directed against an order dated 30th June 1993, passed by the Committee for Scrutiny and Verification of Tribe Claims. A Caste Certificate was issued to the Petitioner by the Executive Magistrate, Bhor on 28th September 1989 certifying that the Petitioner belongs to the Mahadeo Koli community which is listed as a Scheduled Tribe in the State of Maharashtra. The Petitioner was admitted to the MBBS Degree Course at the Grant Medical College, Mumbai. The caste certificate was referred for verification to the Scrutiny Committee. The Scrutiny Committee by its order dated 30th June 1993 has invalidated the claim of the

Petitioner to belong to the Mahadeo Koli Tribe. The Scrutiny Committee has found that an enquiry with the Headmaster of the Jeevan Shikshan Vidya Mandir, Ingawali, Taluka Bhor in the District of Pune, revealed that the School records of the father and real uncle of the Petitioner record their caste as being Hindu Koli. In the second General Register of the School, the original caste entries were found to be manipulated and fabricated by adding the word “Mahadeo”. The Scrutiny Committee has duly considered all material on the record and has, in our view, correctly come to the conclusion that the Petitioner was not entitled to any benefit as a member of the Mahadeo Koli Scheduled Tribe. The findings of the Scrutiny Committee in that regard are correct and do not warrant interference under Article 226 of the Constitution. In the present case the record relating to the Petitioner's father and her real uncle shows that they are Hindu Koli and that they do not belong to the Mahadeo Koli Scheduled Tribe.

2. When this petition was admitted, this Court by an ad-interim order dated 25th April 1994 directed that the Petitioner be allowed to continue with her studies at the Fifth Respondent Medical College. Having regard to the period which has now

elapsed since the passing of that order, the Petitioner must have completed her studies. Counsel appearing on behalf of the Petitioner is not able to make any definite statement in that regard for want of instructions. Having regard to the circumstances of the case, we are of the view that while the decision of the Scrutiny Committee invalidating the Tribe claim of the Petitioner must be confirmed, the interests of justice requires that this would not affect the completion by the Petitioner of her MBBS Degree. There shall accordingly be a direction in these terms subject to the specific condition that the Petitioner shall not hereafter claim any benefit on the ground that she belongs to the Mahadeo Koli Scheduled Tribe.

3. The Petition is accordingly disposed of. There shall be no order as to costs.

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